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NOTICE OF ALLOWANCE AND FEE(S) DUE

49443 7590 11/23/2009

Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York, NY 10036

EXAMINER

LE, THU NGUYET T

ART UNIT

PAPER NUMBER

2162

DATE MAILED: 11/23/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/766,851

01/30/2004

Yehoshaphat Kasmirsky

P-9480-US1

4135

TITLE OF INVENTION: CONTENT-BASED STORAGE MANAGEMENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	02/23/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

49443 7590 11/23/2009

Pearl Cohen Zedek Latzer, LLP
1500 Broadway
12th Floor
New York, NY 10036

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,851	01/30/2004	Yehoshaphat Kasmirsky	P-9480-US1	4135

TITLE OF INVENTION: CONTENT-BASED STORAGE MANAGEMENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	02/23/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
LE, THU NGUYET T	2162	707-101000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,851	01/30/2004	Yehoshaphat Kasmirsky	P-9480-US1	4135
49443	7590	11/23/2009	EXAMINER	
Pearl Cohen Zedek Latzer, LLP 1500 Broadway 12th Floor New York, NY 10036			LE, THU NGUYET T	
			ART UNIT	PAPER NUMBER
			2162	
			DATE MAILED: 11/23/2009	

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 977 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 977 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Examiner-Initiated Interview Summary	Application No. 10/766,851	Applicant(s) KASMIRSKY ET AL.	
	Examiner THU-NGUYET LE	Art Unit 2162	

All Participants:

(1) THU-NGUYET LE, Examiner.

(2) GUY YONAY, Applicant's Representative.

Date of Interview: 18 November 2009

Status of Application: _____

(3) _____.

(4) _____.

Time: 11:00AM

Type of Interview:

☒ Telephonic

☐ Video Conference

☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description: _____.

Part I.

Rejection(s) discussed:

None

Claims discussed:

1, 27, 43, 47-48, 51-52, 55-56

Prior art documents discussed:

Ignatius et al. (6,542,972) and Gue et al.(2005/0008198)

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

/Shahid Al Alam/
Primary Examiner, Art Unit 2162

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: The examiner proposed an amendment to place the application in condition for allowance by incorporating the limitations that define the analyzing the content of audio data includes analyzing content of frame to determine the characteristic of the content comprises the presence of a human subject in frame of claims 47-48 into claim 1. Ignatius and Guo do not teach combination of the proposed limitations. Similar amendments are applied independent claims 27, and 43. The examiner will submit an examiner amendment as authorized by Applicant's representative.

Notice of Allowability	Application No.	Applicant(s)	
	10/766,851	KASMIRSKY ET AL.	
	Examiner	Art Unit	
	THU-NGUYET LE	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 26 August 2009.
2. ☒ The allowed claim(s) is/are 1-3, 5-6, 8-12, 15-29, 34-39, 43-46, 49-50, 53-54, 57-60 (re-number as 1-43).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>08/04/09</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20091118</u>. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other ____. |
|--|---|

/Shahid Al Alam/
Primary Examiner, Art Unit 2162

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Guy Yonay, applicant's representative on 11/18/09.

The application has been amended as follows:

In the claims:

Claims 47-48, 51-52, 55-56 have been canceled.

Claims 1, 27, 43, 49-50, 53-54, 57-58 have been amended as follows:

1. (Currently amended) A method for managing data storage comprising:
receiving a stream of audio or video data related to a communication over a
communication network;

automatically analyzing the content of at least one frame of said received stream of the audio or video data to determine at least one characteristic of the audio or video content of the received stream, wherein said characteristic comprises at least presence of a human subject in said at least one frame;

generating based on said content analysis of the audio or video data
metadata associated with the at least one characteristic;

selecting one of a plurality of storage options having different types of accessibility and/or capacity according to said generated metadata pertaining to said at least one characteristic and according to at least one role; and

placing the data into said selected storage option.

27. (Currently amended) A system for data management according to content of the data, comprising:

an input source to deliver a stream of audio or video data related to a communication over a communication network;

an analysis module for analyzing the content of at least one frame of said received stream of the data to determine at least one characteristic of the audio or video content of the delivered data stream and to generate based on said content analysis of the audio or video data metadata associated with the at least one characteristic, wherein said characteristic comprises presence of a human subject in said at least one frame;

a rule engine to compare at least a portion of the generated metadata to at least one rule and to select one of a plurality of storage options based on said comparison;

a storage manager for receiving a decision related to the selected storage option from said rule engine; and

a plurality of storage devices having different types of accessibility and/or capacity, wherein said storage manager stores the data in one of said plurality of storage devices according to said decision.

43. (Currently Amended) A system for data management according to metadata, comprising:

an input source to deliver a stream of audio or video data related to a communication over a communication network;

an analysis module for analyzing the content of the data to determine at least one characteristic of the audio or video content of at least one frame of the delivered data stream and to generate based on said content analysis of the audio or video data metadata associated with the at least one characteristic, wherein said characteristic of the content comprises human presence, and wherein said analysis module is to analyze the content of at least one frame by determining the presence of a human subject in said at least one frame;

a rule engine to compare at least a portion of the generated metadata to at least one rule and to select one of a plurality of storage options based on said comparison;

a storage manager for receiving a decision related to the selected storage option from said rule engine; and

a plurality of storage devices having different types of accessibility and/or capacity, wherein said storage manager stores the data in one of said plurality of storage devices according to said decision.

49. (Currently amended) The method of claim 47-1, wherein said characteristic of the content further comprises motion detection, and wherein analyzing the content of at least one frame further comprises detecting motion in said at least one frame.

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50. (Currently amended) The method of claim ~~47~~1, wherein said characteristic of the content further comprises face recognition, and wherein analyzing the content of at least one frame further comprises recognizing a face in said at least one frame.

53. (Currently amended) The system of claim ~~54~~27, wherein said characteristic of the content further comprises motion detection, and wherein said analysis module is further to analyze the content of at least one frame by detecting motion in said received stream of video data.

54. (Currently amended) The system of claim ~~54~~27, wherein said characteristic of the content further comprises face recognition, and wherein said analysis module is to further analyze the content of at least one frame by recognizing a face in said received stream of video data.

57. (Currently amended) The system of claim ~~55~~27, wherein said characteristic of the content further comprises motion detection, and wherein said analysis module is to further analyze the content of at least one frame by detecting motion in said received stream of video data.

58. (Currently amended) The system of claim ~~55~~27, wherein said characteristic of the content further comprises face recognition, and wherein said analysis module is further to analyze the content of at least one frame by recognizing a face in said received stream of video data.

Allowable Subject Matter

2. Claims 1-3, 5-6, 8-12, 15-29, 34-39, 43-46, 49-50, 53-54, 57-60 are allowed (Re-numbered as 1-43).

The following is an examiner's statement of reasons for allowance:

The prior art of made of record teaches analyzing the content of the audio or video data and determine the characteristic of the audio or video content, selecting the storage options according to the characteristic of the audio or video content (the combination of Ignatius's teaching (6,542,972) and Glowny's teaching (2001/0040942)). However, Ignatius and Glowny do not disclose the analyzing the content comprises **the analyzing of the frame of content, and determining characteristic of the audio or video content comprises the determining the presence of a human in the frame**. Guo (2005/0008198) teaches detection the presence of human faces in the frame. However, Guo does not disclose any the selecting the storage options according to the detection.

Therefore, the prior art of made of record does not teach or fairly suggest the combination of claimed elements including the steps of "automatically analyzing the content of at least one frame of said received stream of the audio or video data to determine at least one characteristic of the audio or video content of the received stream, wherein said characteristic comprises at least presence of a human subject in said at least one frame" and "selecting one of a plurality of storage option...according to generated metadata pertaining to said at

Art Unit: 2162

least one characteristic” as recited in independent claim 1, and similar claimed elements in claims 27, and 43.

The dependent claims, being definite, further limiting, and fully enabled by the specification are also allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THU-NGUYET LE whose telephone number is (571)270-1093. The examiner can normally be reached on M-F 9:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thu-Nguyet Le/
Examiner, Art Unit 2162

/Shahid Al Alam/
Primary Examiner, Art Unit 2162